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LTD.

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9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
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12 BRIGHT IMPERIAL LTD.,

Case No. 09 03799 RS

13 Plaintiff,

~~[PROPOSED]~~ ORDER GRANTING  
BRIGHT IMPERIAL LTD.'S MOTION  
FOR EXPEDITED DISCOVERY

14 v.

15 DOES 1 through 20, inclusive,

Judge: The Honorable Richard Seeborg

16 Defendants.  
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18 Upon the Plaintiff's Motion for Expedited Discovery, and good cause appearing  
19 therefor, it is hereby ORDERED as follows:

20 While the Ninth Circuit has held that, "[a]s a general rule, the use of 'John Doe' to  
21 identify a defendant is not favored," it has nonetheless recognized that in certain situations  
22 the identity of the alleged defendants cannot be known prior to the filing of a complaint.  
23 *Gillespie v. Civiletti*, 629 F.2d 637, 642 (9th Cir. 1980). On such occasions, "the plaintiff  
24 should be given an opportunity through discovery to identify the unknown defendants,  
25 unless it is clear that discovery would not uncover the identities, or that the complaint  
26 would be dismissed on other grounds."  
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1 Plaintiff, Bright Imperial Ltd., has made an adequate showing that it is entitled to  
2 expedited discovery regarding the identities of those who are or may be responsible for the  
3 conduct alleged in its complaint in this action.

4 Plaintiff has made an adequate showing that one of the persons potentially involved  
5 in or knowledgeable about the conduct alleged in the complaint is Mr. Chad Taylor of  
6 "1120 LLC." Plaintiff has demonstrated reasonable diligence in seeking a physical  
7 address or location for Mr. Taylor, or a registered agent for service of process for "1120  
8 LLC," but has not been able to obtain that information. Because neither Mr. Taylor's  
9 physical address or location nor a registered agent for service of process for "1120 LLC"  
10 can be obtained through the exercise of reasonable diligence, Plaintiff may serve  
11 subpoenas for documents and deposition testimony on Mr. Taylor and 1120 LLC via  
12 Mr. Taylor's e-mail addresses of chadtaylor@gmail.com and piracystop@gmail.com. The  
13 subpoenas may seek evidence relating to the identities of persons or entities, including the  
14 legal name(s), physical address(es), e-mail address(es) and phone number(s) of the persons  
15 or entities responsible for the conduct alleged in Plaintiff's complaint, including  
16 Mr. Taylor's interaction with Plaintiff Bright Imperial Ltd., its domain name server account  
17 at Internet Solutions, Inc. and other online assets (including the website  
18 [www.redtube.com](http://www.redtube.com)), and Plaintiff's attorneys' and agents (including Ms. Thayer Preece).

19 If service via these methods does not result in compliance with the subpoenas,  
20 Plaintiff Bright Imperial Ltd. may serve immediate discovery upon the attorney identified  
21 by Mr. Taylor as his counsel, Mr. Michael Fattorosi, located at 6300 Canoga Avenue,  
22 Suite 550, Woodland Hills, CA 91367, in the form of subpoenas requiring the production  
23 of documents and deposition testimony sufficient to locate and serve Mr. Taylor.

24 It is further ordered that Plaintiff Bright Imperial Ltd. may serve immediate  
25 discovery upon the Internet service providers for the Internet Protocol ("IP") address  
26 64.206.212.67 and 76.167.247.73 in the form of subpoenas requiring the production of  
27 documents sufficient to identify Mr. Taylor's legal name, physical address(es), e-mail  
28 address(es) and phone number(s). The Internet Service Provider for IP Address

1 64.206.212.67 is Paetec Communications, Inc., with a service of process agent located at  
2 818 West Seventh Street, Los Angeles, CA 90017. The Internet Service Provider for IP  
3 address 76.167.247.73 is Time Warner Cable, located at 13820 Sunrise Valley Drive,  
4 Herndon, VA 20171.

5 IT IS SO ORDERED.

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7 Dated 02/26/2010

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10 The Honorable Richard Seeborg  
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